

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 13-184-JJM-PAS
)	
ERIC NEGRON,)	
Defendant)	
)	

ORDER

Eric Negron pled guilty to drug charges in 2014. He was sentenced to 180 months of imprisonment as a career offender pursuant to the advisory Sentencing Guidelines. Mr. Negron subsequently filed a Motion to Vacate pursuant to 28 U.S.C. § 2255 (ECF No. 34), but he moved to dismiss it (ECF No. 39) after the United States Supreme Court's ruling in *Beckles v. United States*, 137 S. Ct. 886 (2017). The Court dismissed the Motion to Vacate by Text Order on April 3, 2017. Mr. Negron filed a second Motion to Vacate under § 2255 (ECF No. 40) alleging that his sentence violates the holding of the Supreme Court in *Johnson v. United States*, 559 U.S. 133 (2010). This Court denied that motion. ECF No. 43. Mr. Negron now asks this Court to reconsider its denial of his second § 2255 motion. ECF No. 44.

Mr. Negron's Motion to Reconsider must be denied for a variety of independent reasons. First and foremost is that Mr. Negron has not met the standard for a motion to reconsider. "For such a motion to succeed, 'the movant must demonstrate either that newly discovered evidence (not previously available) has come to light or that the rendering court committed a manifest error of law.'" *Mulero-Abreu v. P.R. Police*

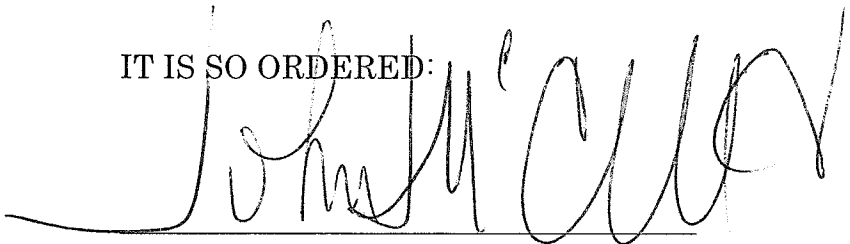
Dep't, 675 F.3d 88, 94–95 (1st Cir. 2012) (quoting *Palmer v. Champion Mortg.*, 465 F.3d 24, 30 (1st Cir. 2006)). Mr. Negron has neither presented any newly discovered evidence nor any manifest error of law. For the reasons set forth in the Government's Response to the Motion for Reconsideration (ECF No. 45), this Court must DENY Mr. Negron's Motion for Reconsideration. In particular,

1. This is Mr. Negron's second petition pursuant to 28 U.S.C. § 2255 and he has not obtained the required permission from the U.S. Court of Appeals for the First Circuit. *See* 28 U.S.C. §§ 2244(b)(3)(A), 2255(h); *Bucci v. United States*, 809 F.3d 23, 25–26 (1st Cir. 2015); *see also Thai v. United States*, 391 F.3d 491, 495–96 (2d Cir. 2004).

2. The petition was not timely filed because it is more than one year after the decision upon which it relies, *Johnson v. United States*, 559 U.S. 133 (2010), and there is no exception from this rule available to Mr. Negron. 28 U.S.C. 2255(f)(3); *Butterworth v. United States*, 775 F.3d 459, 464–66 (1st Cir. 2015).

Eric Negron's Motion for Reconsideration (ECF No. 44) is DENIED.

IT IS SO ORDERED:



John J. McConnell, Jr.
United States District Judge

October 27, 2017